

HOUSE BILL NO. 786

INTRODUCED BY L. SHELDON-GALLOWAY

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING REPORTING ON ADVERSE EFFECTS OF MEDICATION ABORTIONS; PROVIDING A PENALTY FOR FAILURE TO REPORT; AND AMENDING SECTIONS 50-20-105 AND 50-20-110, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-20-105, MCA, is amended to read:

"50-20-105. Duties of department. (1) The department shall make regulations to provide for the humane disposition of dead infants or fetuses.

(2) The department shall make regulations for a comprehensive system of reporting of maternal deaths and complications within the state resulting directly or indirectly from abortion, subject to the provisions of 50-20-110~~(5)~~(6).

(3) The department shall report to the attorney general any apparent violation of this chapter.

(4) The department shall develop a certification form for use in accordance with 50-20-113."

Section 2. Section 50-20-110, MCA, is amended to read:

"50-20-110. Reporting of practice of abortion. (1) Every facility in which an abortion is performed within the state shall keep on file ~~upon~~ on a form prescribed by the department, a statement dated and certified by the physician who performed the abortion ~~setting forth such that provides~~ information with respect to the abortion as required by the department by regulation shall require rule, including. The information must include but is not limited to information on prior pregnancies, the medical procedure employed to administer the abortion, the gestational age of the fetus, the vital signs of the fetus after abortion, if any, and if after viability, the medical procedures employed to protect and preserve the life and health of the fetus.

(2) The physician performing an abortion shall ~~cause such request~~ pathology studies to be made in connection therewith as required by the department ~~shall require by regulation rule~~, and the facility shall keep

1 the reports ~~thereof of the pathology studies~~ on file.

2 (3) In connection with an abortion, the facility shall keep on file the original of each of the
3 documents required by this chapter relating to informed consent, consent to abortion, certification of necessity
4 of abortion to preserve the life or health of the mother, and certification of necessity of abortion to preserve the
5 life of the mother.

6 (4) A health care provider who prescribes a medication intended to cause or induce an abortion
7 shall keep on file, on a form prescribed by the department, a statement dated and certified by the health care
8 provider reporting any adverse side effects experienced by the person to whom the medication was prescribed.

9 ~~(4)(5)~~ (a) ~~Such facility shall, within~~ Within 30 days after the abortion, a facility shall file with the
10 department a report ~~upon on~~ a form prescribed by the department and certified by the custodian of the records
11 or physician in charge of ~~such the facility setting forth that provides~~ all of the information required in subsections
12 (1), (2), and (3) ~~of this section,~~

13 (b) Within 30 days of prescribing a medication intended to cause or induce an abortion, a health
14 care provider shall file a report with the department that provides the information required under subsection (4).

15 (c) Reports filed under this subsection (5) except such may not contain any information as that
16 would identify any individual involved with the abortion.

17 (d) ~~The A~~ report shall exclude copies of any documents required to be filed by subsection (3) ~~of~~
18 ~~this section,~~ but shall certify that ~~such the~~ documents were ~~duly~~ executed and are on file.

19 ~~(5)(6)~~ All reports and documents required by this chapter ~~shall must~~ be treated with the confidentiality
20 afforded to medical records, subject to ~~such~~ disclosure as ~~is~~ permitted by law. Statistical data not identifying
21 any individual involved in an abortion ~~shall must~~ be made public by the department annually, and the report
22 required by subsection ~~(4)~~ (5) of this section to be filed with the department ~~shall must~~ be available for public
23 inspection ~~except insofar as it~~ any information that identifies any individual involved in an abortion. Names and
24 identities of persons submitting to abortion shall remain confidential among medical and medical support
25 personnel directly involved in the abortion and among persons working in the facility where the abortion was
26 performed whose duties include billing the patient or submitting claims to an insurance company, keeping
27 facility records, or processing abortion data required by state law.

28 ~~(6)(7)~~ (a) Violation of this section is a misdemeanor and is punishable as provided in 46-18-212.

